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THIRTEENTH SCHEDULE

(Article 62(1))

Rules of the Air and Air Traffic Control

SECTION I

Interpretation

Commission Implementing Regulation (EU) No. 923/2012 of the European Parliament and of the Council of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No. 1035/2011 and Regulations (EC) No. 1265/2007, (EC) No.1794/2006, (EC) No.1033/2006, (EC) No. 255/2010 and (EC) No. 2016/1185* (“the Regulation”) entered into force in Malta on 4 December 2012

The common rules of the air specified in the Regulation are also known as the Standardised European Rules of the Air – “SERA”

These Rules complement SERA, apply in addition to the provisions of SERA and shall be interpreted and construed in conjunction with them

In these Rules terms used which are defined in Article 2 of SERA have the same meaning as given in that article.

1. In these Rules, unless the context otherwise requires -

"anti-collision light" means a flashing red light showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft;

"hand glider" means a glider capable of being -

- (a) carried
- (b) foot launched, and
- (c) landed solely by the energy and use of a pilot's legs;

*Regulation (EC) No. 2016/1185 shall apply from 12 October 2017. Provided that the following provisions shall apply from 18 August 2016:-

- (1) Article 1(1);
- (2) Article 1(2) (f), (i), (j), (l) and (o);
- (3) Article 1(3);
- (4) Article 2;
- (5) points (1), (2), (3), (4), (5), (6), (8), (12), (13), (15), (16), (19), (21), (22), (26)(b), (26)(c), (27) and (28) of the Annex.

SECTION II

GENERAL

Application of Rules to aircraft and airspace users and Compliance

2A. These Rules, in so far as they are applicable in relation to aircraft, shall, subject to the provisions of rule 31, apply in relation to:

- (a) all aircraft within Malta; and
- (b) all aircraft registered in Malta, wherever they may be provided that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.

2B. Permissions

Wherever in these Rules there is provision for a permission to be granted by the Director General for the purpose of a rule, it may be granted-

- (a) in respect of classes of aircraft, persons or vehicles generally or in respect of any particular aircraft, person or vehicle or class of aircraft, person or vehicle; and
- (b) subject to such conditions as the Director General deems fit.

Misuse of Signals and Markings

3. (1) A signal or marking to which a meaning is given by these Rules, or which is required by these Rules to be used in circumstances or for a purpose therein specified, shall not be used except with that meaning, or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not make any signal which may be confused with a signal specified in these Rules.

Reporting hazardous conditions

4. The commander of an aircraft shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic control unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

Practice Instrument Approaches

5. Within Malta an aircraft shall not carry out instrument approach practice when flying in Visual Meteorological Conditions unless -

- (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and
- (b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

SECTION III

Lights and other signals to be shown or made by aircraft

General

6. (1) For the purposes of this Section the horizontal plane of a light shown in an aircraft means the plane which would be the horizontal plane passing through the source of that light, if the aircraft were in level flight.

(2) Where by reason of the physical construction of an aircraft it is necessary to fit more than one lamp in order to show a light required by this Section, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside the aircraft.

(3) Where in these Rules a light is required to show through specified angles in the horizontal plane the lamps giving such light shall be so constructed and fitted that the light is visible from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane, but, so far as is reasonably practicable through no greater angle, either in the horizontal plane or the vertical plane.

(4) Where in these Rules a light is required to show in all directions, the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

Display of lights by Aircraft

7. A flying machine on a land aerodrome in Malta at which aircraft normally land or take off at night shall, unless it is stationary on the apron or a part of the aerodrome provided for the maintenance of aircraft, display by night either the lights which it would be required to display if it were flying, or the lights specified in Rule 9.

Failure of Navigation Lights

8. In Malta, in the event of the failure of any light which is required by these Rules to be displayed in flight, if the light cannot be immediately repaired or replaced the aircraft shall land as soon as in the opinion of the commander of the aircraft it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight

Flying Machines

9. (1) A flying machine when flying at night shall display lights as follows:

- (a) an unobstructed red light of at least five candela projected above and below the horizontal plane from dead ahead to 110 degrees to left (port);
- (b) an unobstructed green light of at least five candela projected above and below the horizontal plane through an angle from dead ahead to 110 degrees right (starboard);
- (c) an unobstructed white light of at least three candela projected above and below the horizontal plane rearward through an angle of 140 degrees

These lights also called navigation lights may be displayed either as steady lights or flashing lights.

(2) When the lights described in sub-rule (1) are displayed as flashing lights: either one or both of the following additional lights shall be displayed:

- (a) a flashing red rear light of at least 20 candela showing through angles of 70 degrees from dead astern to each side in the horizontal plane which alternates with the flashing white rear light described in sub-rule (1)(c);
- (b) a flashing white light of at least 20 candela visible in all directions which alternates with the lights described in sub-rules (1)(a), (1)(b) and (1)(c).

(3) When the lights described in sub-rule 1 are displayed as steady lights, an additional flashing light or lights called anti-collision light/s visible as far as is practicable in all directions within 30 degrees above and 30 degrees below the horizontal plane of the aeroplane shall be displayed.

(4) In addition, wing tip clearance lights comprising steady lights of the colour described for the navigation lights in sub-rule (1)(a) and (1)(b) shall be provided if there are no navigation lights within 1.80 metres of the wing tips.

Gliders

10. A glider while flying at night shall display either a steady red light of at least five candela, showing in all directions or lights in accordance with rule 9.

Free Balloons

11. A free balloon while flying at night shall display a steady red light of at least five candela showing in all directions, suspended not less than 5 metres and not more than 10 metres below the basket or if there is no basket, below the lowest part of the balloon.

Captive Balloons and Kites

12. (1) Low Flying rules shall not apply to any captive balloon or kite.

(2) A captive balloon or kite while flying at night at a height exceeding 60 metres above the surface shall display lights as follows:

- (a) a group of two steady lights consisting of a white light placed 4 metres above a red light, both being of at least five candela and showing in all directions, the white light being placed not less than 5 metres or more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon or kite;
- (b) on the mooring cable, at intervals of not more than 300 metres measured from the group of lights referred to in paragraph (a), groups of two lights of the colour and power and in the relative positions specified in that sub-paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base; and
- (c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle approximately equilateral, each side of which measures at least 25 metres; one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights: the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(3) A captive balloon while flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable at intervals of not more than 200 metres measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 40 centimetres in diameter and 2 metres in length and marked with alternate bands of red and white 50 centimetres wide.

(4) A kite flown in the circumstances referred to in sub-rule (3) shall have attached to its mooring cable either:

- (a) tubular streamers as specified in sub-rule (3), or
- (b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers of not less than 80 centimetres long and 30 centimetres wide at their widest point and marked with alternate bands of red and white 10 centimetres wide

Airships

13. (1) Except as provided in sub-rule (2), an airship while flying at night shall display the following steady lights:

- (a) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;
- (b) a green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;
- (c) a red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and
- (d) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(2) An airship while flying at night shall display, if it is not under command, nor has voluntarily stopped its engines, or is being towed, the following steady lights:

- (a) the white lights referred to in sub-rule (1)(a) and (d);
- (b) two red lights, each of at least five candela and showing in all directions suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car; and
- (c) if the airship is making way but not otherwise, the green and red light referred to in sub-rule (1)(b) and (c):

Provided that an airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in sub-rule (1).

(3) An airship, while moored within Malta by night, shall display the following lights:

- (a) when moored to a mooring mast, at or near the rear, a white light of at least five candela showing in all directions;
- (b) when moored otherwise than to a mooring mast:
 - (i) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;
 - (ii) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(5) For the purposes of this Rule:

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Rules;
- (b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

SECTION IV

General Flight Rules

Rules for avoiding aerial collisions

14 (1) General

For the purposes of this Rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the commander of the towing flying machine.

(2) Converging

Subject to the provisions of sub-rules (3) and (4), an aircraft in the air shall give way to another converging aircraft as follows:

- (i) flying machines shall give way to airships, gliders and balloons;
- (ii) airships shall give way to gliders and balloons
- (iii) gliders shall give way to balloons.

(3) Approaching Head-on

When two aircraft are approaching head-on or approximately so in the air and there is danger of collision each shall alter its course to the right.

(4) Overtaking

An aircraft which is being overtaken in the air shall have the right of way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft:

Provided that a glider overtaking another glider in Malta may alter its course to the right or to the left.

Aerobatic Manoeuvres

15. An aircraft shall not carry out any aerobatic manoeuvres -

(a) over the congested area of any city, town or settlement; or

(b) within controlled airspace except with the consent of the appropriate air traffic control unit.

Right-hand Traffic Rule

16. An aircraft which is flying within Malta in sight of the ground and following a road, coastline, or any other line of landmarks, shall keep such line or landmarks on its left.

Notification of Arrival

17. The commander of an aircraft who has caused notice of its intended arrival at any aerodrome to be given to the air traffic control unit or other authority at that aerodrome shall ensure that the air traffic control unit or other authority at that aerodrome is informed as quickly as possible of any change of intended destination and any estimated delay in arrival of 45 minutes or more.

SECTION VI

Cruising Levels

18. In order to comply with the Instrument Flight Rules an aircraft when in level flight above 3,000 feet above mean sea level outside controlled airspace shall be flown at a level appropriate to its magnetic track, in accordance with the appropriate table set forth in SERA Appendix 3 (Table of Cruising Levels). The level of flight shall be measured by an altimeter set according to the system notified, or in the case of the flight over a country other than Malta otherwise published by the competent authority in relation to the area in which the aircraft is flying:

Provided that an aircraft may be flown at a level other than the level required by this rule if it is flying in conformity with instructions given by an air traffic control unit or in accordance with notified en-route holding patterns or in accordance with holding procedures notified in relation to an aerodrome.

.SECTION VII

Aerodrome Traffic Rules

Application of Aerodrome Traffic Rules

19. The Rules in this Section which are expressed to apply to flying machines shall also be observed, so far as is practicable, in relation to all other aircraft.

Visual Signals

20. The commander of a flying machine on, or in, the traffic zone of an aerodrome shall observe such visual signals as may be displayed at or directed to him from the aerodrome by the authority or the person in charge of the aerodrome and shall obey any instructions which may be given to him by means of such signals:

Provided that he shall not be required to obey Marshalling signals if, in his opinion, it is unadvisable to do so in the interests of safety.

Access and movement on the Manoeuvring Area and other parts of the aerodrome used by aircraft

21. (1) A person or vehicle shall not go on to any part of an aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome without the permission of the person in charge of the aerodrome, and except in accordance with any conditions subject to which that permission may have been granted.

(2) A vehicle or person shall not go or move on the manoeuvring area of an aerodrome having an air traffic control unit without the permission of that unit and except in accordance with any conditions subject to which that permission may have been granted.

(3) Any permission granted for the purposes of this rule may be granted either in respect of persons or vehicles generally, or in respect of any particular person or vehicle or any class of persons or vehicles.

Right of Way on the Ground

22. (1) This Rule shall apply

to- (a) flying machines; and

(b) vehicles

on any part of land aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3) (a) Flying Machines and vehicles shall give way to aircraft which are taking off or landing.

(b) Vehicles and flying machines which are not taking off or landing shall give way to vehicles towing aircraft.

- (c) Vehicles which are not towing aircraft shall give way to aircraft.
- (4) Subject to the provisions of sub-rule (3) and of rule 24 (3)(b), in case of danger of collision between two flying machines:
- (a) when the two flying machines are approaching head-on or approximately so, each shall alter its course to the right;
 - (b) when two flying machines are on converging courses, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it;
 - (c) a flying machine which is being overtaken shall have the right-of-way, and the overtaking flying machine shall keep out of the way of the other flying machine by altering its course to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.
- (5) Subject to the provisions of sub-rule (3)(b), a vehicle shall:
- (a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle;
 - (b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

Dropping of Tow Ropes, etc.

23. Tow ropes, banners or similar articles towed by aircraft shall not be dropped from aircraft except at an aerodrome and:

- (a) in accordance with arrangements made with an air traffic control unit at the aerodrome or, if there is no such unit with the person in charge of the aerodrome, or
- (b) in the area designated by a yellow cross with two arms 6 metres long by 1 metre wide at right angles indicating that tow ropes and similar articles towed by aircraft shall only be dropped in the area in which the cross is placed; and the ropes, banners or similar articles shall be dropped when the aircraft is flying in the direction appropriate for landing.

Aerodromes not having Air Traffic Control Units

24. (1) (a) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where no air traffic control unit is for the time being notified as being on watch, except for the purpose of taking off or landing at that aerodrome or observing the signals in the signals area with a view to landing there, unless he has the permission of the person in charge of the aerodrome.

(b) An aircraft flying within such a zone for the purposes of observing the signals shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) The commander of an aircraft flying in such a zone or moving on such an aerodrome shall:

- (a) observe other aerodrome traffic for the purpose of avoiding collision and conform to the pattern of traffic formed by other aircraft, or keep clear of the airspace in which the pattern is formed;

- (b) make all turns to the left unless ground signals otherwise indicate; and
 - (c) take off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.
- (3) (a) A glider shall not land on a runway at such an aerodrome unless the runway is clear of other aircraft.
- (b) Where take-offs and landings are not confined to a runway –
- (i) a flying machine or glider when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take off; and if such a flying machine or glider is obliged to turn, it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and
 - (ii) a flying machine about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which is already taking off or is about to take off.
- (4) A flying machine after landing shall move clear of the landing area in use as soon as it is possible to do so.

Aerodrome having Air Traffic Control Units

25. (1) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch, except for the purpose of observing any signals at that aerodrome with a view to landing there, unless he has the permission of the appropriate air traffic control unit.
- (2) The commander of an aircraft flying in the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch or moving on such an aerodrome shall:
- (a) cause a continuous watch to be maintained on the appropriate radio frequency notified for air traffic control communications at the aerodrome, or, if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means;
 - (b) not taxi on the apron or manoeuvring area or take off or land anywhere in the zone except with the permission of the air traffic control unit;
 - (c) comply with the provisions of rule 22(1)(b), (2) and (3) as if the aerodrome did not have an air traffic control unit, unless he has the permission of the air traffic control unit at the aerodrome, or has been instructed by that unit, to do otherwise.
- (3) Without prejudice to Rules on weather reports and forecasts and the relevant SERA provisions, the commander of an aircraft shall, immediately upon arrival at, or prior to departure from, an aerodrome within Malta having an air traffic control unit, ensure that such unit is informed of the flight which he has just made or which he is about to undertake.

SECTION IX
Air Traffic Control

Provision of Air Traffic Control Services

26. (1) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and is either situated in a control zone or is an aerodrome in respect of which the Director General, has given a direction to the proprietor or person in charge of the aerodrome requiring air traffic control service to be provided there, the person in charge of the aerodrome shall cause air traffic control service to be provided at all times when the aerodrome is open for the take-off and landing of aircraft.

(2) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and with equipment for providing holding aid, let-down aid or approach aid by radio or radar the person in charge of the aerodrome shall inform the Director General in advance of any period during which any of the said equipment will be in operation for the purpose of providing holding aid, let-down aid or approach aid and, without prejudice to sub- rule (1), cause air traffic control service to be provided at all times when the said equipment is notified as being in operation for any of those purposes.